

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

STEVEN ROSE, as personal representative
of the estate of Richard Rose,

Plaintiff,

v.

**ALEJANDRO PINA; HEATHER
CHRISTIAN; CHRISTINA IRVING;
STEPHEN Trott; KIERON CARLSON;
HAILEY COLEMAN; CHRISTINA
CAMPOS-HERNANDEZ; and SHUREE
JEMMETT,**

Defendants.

Case No. 2:24-cv-00912-HL

**ORDER ADOPTING FINDINGS &
RECOMMENDATION**

John Burgess and Carl Post, Law Offices of Daniel Snyder, 1000 SW Broadway, Suite 2400, Portland, OR 97205. Attorneys for Plaintiff.

Nathan K. Riemersma, Assistant Attorney General, Robert E. Sullivan, Senior Assistant Attorney General, and Dan Rayfield, Attorney General, Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301. Attorneys for Defendants.

IMMERGUT, District Judge.

This Court has reviewed for clear error the Findings and Recommendation (“F&R”) referred by Magistrate Judge Andrew D. Hallman. For the following reasons, the Court ADOPTS Judge Hallman’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*,” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

DISCUSSION

On February 3, 2024, Judge Hallman issued his F&R, recommending that this Court dismiss Plaintiff’s Complaint with prejudice. ECF 21. No objections have been timely filed. This Court has reviewed the F&R for “clear error on the face of the record.” Fed. R. Civ. P. 72(b) Advisory Committee Notes. Having reviewed the file, this Court finds no clear error in Judge Hallman’s findings or recommendations.

CONCLUSION

This Court has reviewed for clear error Judge Hallman's F&R. Judge Hallman's F&R, ECF 21, is adopted. This Court GRANTS Defendants' Motion to Dismiss, ECF 9, and DISMISSES the Complaint, ECF 1, with prejudice.

IT IS SO ORDERED.

DATED this 25th day of February, 2025.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge